

## REMARKS

In the Advisory Action mailed July 15, 2004, the Examiner indicated that the claim amendments proposed in the Amendment and Response filed May 19, 2004 would not be entered because “[the proposed amendments] raise new matter that would require further consideration and/or search.” According to the Examiner:

Applicant’s proposed amendments filed May 19, 2004 cancel certain limitations which obviate the outstanding rejection under 35 U.S.C. 103 as well as changing the scope of the [application]. As a result of this, the application will need to be reopened. Since the instant case is closed, the proposed amendments will not be entered at this point. (Advisory Action, Continuation Sheet, page 2).

Accordingly, Applicants submit this response in conjunction with a Request for Continued Examination under 37 CFR § 1.114, along with the appropriate fee, to reopen prosecution in the instant application.

Upon entry of the proposed claim amendments submitted herein, claims 1-3, 5-6, 15-20 and 38-39 are currently pending in the instant application. Claims 1-3 (and their respective dependent claims, including new claims 38-39) have been amended to recite an autoimmune or inflammatory disorder “selected from the group consisting of multiple sclerosis and rheumatoid arthritis.” Support for this amendment can be found throughout the specification and in the claims as originally filed. For example, support for this amendment can be found at least at page 20, lines 4-8. Accordingly, no new matter has been added.

### **I. Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 1-3, 5-6 and 15-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,021,451 to McLane *et al.* (“McLane”). According to the Examiner, McLane discloses lovastatin as useful for treating psoriasis and, therefore, inherently anticipates the methods of the instant application. (Office Action, pp. 2-3).

Claims 1-3 and their respective dependent claims (including claims 5-6 and 15-20) have been amended to delete reference to psoriasis. Applicant reserves the right to prosecute the cancelled subject matter in related applications. Claims 1-3 (and the claims that depend therefrom) recite methods of achieving MHC-class II-mediated immunomodulation, immunosuppression or anti-inflammatory effect in humans with multiple sclerosis or rheumatoid

arthritis. Thus, the pending claims, *i.e.*, claims 1-3, 5-6 and 15-20, are not directed to methods of administering a statin to patients suffering from psoriasis.

Because McLane fails to disclose or suggest treatment of multiple sclerosis or rheumatoid arthritis, this reference cannot destroy the novelty of the claimed methods. Accordingly, this rejection should be withdrawn.

### CONCLUSION

On the basis of the foregoing amendments and arguments, Applicant submits that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

  
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